

SCANNED

DATE:

BY:

MARGETTA LANGLOIS,

Pro Se Plaintiff,

v.

SAMUEL POLLACK,  
MICHAEL HUGO,  
ALBERT FLANDERS

Defendants.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
IN CLERKS OFFICE  
FEB 11 P 2:28  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION: 04-CV11588

RWZ

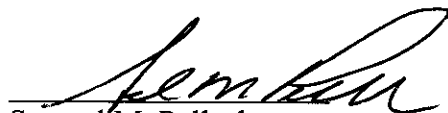
AFFIDAVIT OF SAMUEL M. POLLACK

I, Samuel M. Pollack, being duly sworn, depose and state that I am an attorney admitted to practice before the Courts of the Commonwealth of Massachusetts, and have personal knowledge of the facts set forth herein.

1. A Pretrial Conference for the above matter is currently scheduled for February 16, 2005.
2. On February 8, 2005, I sent, by overnight mail; the Plaintiff, Margetta Langlois; a draft of a Joint Pretrial Memorandum, a copy of the draft with the accompanying cover letter is attached hereto as Exhibit 1.
3. I have not received any semblance of a response by the Plaintiff, as of February 11, 2005.
4. The court's pre-trial order requires the parties to submit a joint submission no less than five days before the conference is held. However, although the defendants have made good faith efforts to meet and confer with the plaintiff, as of today's

date we have had no response. Therefore, the defendants are unable to submit the attached memorandum as a joint filing.

Signed under the pains and penalties of perjury the 11 day of February, 2005

A handwritten signature in black ink, appearing to read 'Sam Pollack', written over a horizontal line.

Samuel M. Pollack  
BBO# 560617  
Pollack & Flanders, LLP  
50 Congress St.  
Boston, MA 02109

**Pollack**

**Flanders**

ATTORNEYS AND COUNSELLORS AT LAW

POLLACK & FLANDERS, LLP

50 CONGRESS STREET SUITE 430

BOSTON, MA 02109

TEL: 617.259.3000 FAX: 617.259.3050

2121 K STREET N.W. SUITE 800

WASHINGTON, D.C. 20037

TEL: 202.261.6513 FAX: 202.261.3508

February 8, 2005

VIA OVERNIGHT MAIL

Margetta Langlois

C/o Kathy Hagan

3 Thompsons Court

Lowell, MA 01854

RE: Margetta Langlois v. Samuel M. Pollack, Michael Hugo and Albert Flanders  
Civil Action: 04-cv1588

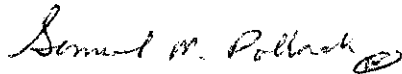
Dear Ms. Langlois

Enclosed please find:

1. Joint Pretrial Memorandum (draft)

Please review, if there are no changes that you deem necessary, please sign and forward to our office. If there are changes that need to be made or if you have any objections please make them known to our office.

Yours truly,



Samuel M. Pollack



WWW.POLLACKANDFLANDERS.COM

ADMITTED IN: MASSACHUSETTS MAINE NEW HAMPSHIRE NEW YORK DISTRICT OF COLUMBIA

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARGETTA LANGLOIS,

Pro Se Plaintiff,

v.

SAMUEL POLLACK,  
MICHAEL HUGO,  
ALBERT FLANDERS

Defendants.

CIVIL ACTION: 04-CV11588

JOINT PRETRIAL MEMORANDUM

1. The names, addresses and telephone numbers of trial counsel:

For the Plaintiff:

Margetta Langlois, Pro Se  
P.O. Box 3091  
Holiday, FL. 34690

For the Defendants, Samuel M. Pollack, Albert Flanders:

Samuel M. Pollack, Esq.  
Pollack & Flanders, LLP  
50 Congress St.  
Boston, MA 02109  
(617) 259-3000

Albert Flanders, Esq.  
Pollack & Flanders, LLP  
50 Congress St.  
Boston, MA 02109  
(617) 259-3000

2. Whether the case is to be tried with or without a jury:

This case can be tried without a jury

3. A concise summary of the positions asserted by the plaintiff, defendant, and other parties, with respect to both liability and damages (including special damages, if any):

A concise summary of the position of the plaintiff can not be asserted at this time, given the form and manner in which the plaintiff has served and filed her pleadings. With this, a concise summary of the position of the defendants can not be asserted. Further, the defendants deny any claims asserted against them.

4. The facts established by pleadings or by stipulations or by admissions of counsel. In particular, counsel shall stipulate all facts no in genuine dispute:

Given the form and manner in which the plaintiff has served and filed her pleadings it is impossible to establish the facts involved in this manner.

5. Contested issues of fact:

Given the form and manner in which the plaintiff has served and filed her pleadings it is impossible to establish the facts involved in this manner.

6. Any jurisdictional question:

There are no jurisdictional questions.

7. Issues of law, including evidentiary questions, together with supporting authority:

There are no issues of law.

8. Any requested amendments to the pleadings:

There are no requested amendments to the pleadings.

9. Any additional matters to aid in the disposition of the action:

There are currently three motions filed with the court that need to be addressed.

- a. Motion to Compel the Deposition of the Plaintiff, Margetta Langlois
- b. Motion to Amend Tracking Schedule
- c. Defendants' Motion to Compel the Production of Documents and Answers to Interrogatories Addressed to Plaintiff, Margetta Langlois.

Further, upon completion of discovery, the Defendants intend upon filing a motion for summary judgment which, if granted; will result in dismissal of all claims.

10. The probable length of trial:

One day.

11. The names and addresses of witnesses who shall testify at the trial, and the purpose of the testimony of each witness, i.e., whether factual, medical, expert, etc. Unless the qualifications of any medical or other expert witness are admitted, a brief statement of the qualifications of such witness shall be included:

For the Plaintiff:

Margetta Langlois,  
- factual

For the Defendants:

Samuel M. Pollack  
- factual

Albert Flanders  
- factual

Michael Hugo  
- factual

Ian McCallister  
- factual

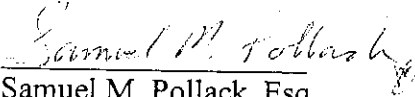
Margie Primero-Allen  
- factual

12. A list of exhibits, agreed upon exhibits should be marked using one set of numbers, any exhibit not agreed upon should be marked using one set of letters for id. Counsel shall provide a brief statement of the ground for any objection:

- a. Implant Proof of Claim Form
  - b. Any and all Dow Corning forms
  - c. Any and all medical records
-

The Defendants,  
Samuel M. Pollack, Esq.  
Albert Flanders, Esq.  
Michael Hugo, Esq.

The Plaintiff,  
Margetta Langlois

  
Samuel M. Pollack, Esq.  
On behalf of the Defendants,  
Pollack & Flanders, LLP  
50 Congress St.  
Boston, MA 02109

Margetta Langlois, Pro Se  
P.O. Box 3091  
Holiday, FL. 34690

**FedEx** US Airbill  
ExpressFedEx  
Tracking  
Number 851115883040

**From** Please print and press hard.  
**Date** 02/08/05 **Sender's FedEx Account Number** 2333-9367-3  
**Sender's Name** Samuel M. Pollack **Phone** (617) 259-3000  
**Company** Pollack & Flanders  
**Address** 50 Congress St. Suite 430  
**City** Boston **State** MA **ZIP** 02109

**Your Internal Billing Reference**  
First 24 characters will appear on invoice.

OPTIONAL

**To**  
**Recipient's Name** Margetta Langlois **Phone** ( )  
**Company** c/o Kathy Hagan  
**Recipient's Address** 3 Thompsons Court  
**Address**  
**City** Lowell **State** MA **ZIP** 01854

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 FedEx Envelope rate not available. Minimum charge: One-pound rate

**4b Express Freight Service**

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Third business day\*\*

\* Call for Confirmation.

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Includes FedEx Small Pak,  
FedEx Large Pak, and FedEx Sturdy Pak  
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☐ Other

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Available ONLY for  
FedEx Priority Overnight, FedEx 2Day,  
FedEx 1Day Freight, and FedEx 2Day  
Freight to select ZIP codes  
☐ **HOLD Weekday**  
at FedEx Location  
NOT Available for  
FedEx First Overnight  
☐ **HOLD Saturday**  
at FedEx Location  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select locations  
 Does this shipment contain dangerous goods?  
☐ No ☐ Yes  
As per attached  
Shipper's Declaration  
☐ Yes  
Shipper's Declaration  
not required  
☐ Dry Ice  
Dry Ice, 9 UN 1845 x \_\_\_\_\_ kg  
☐ Cargo Aircraft Only  
 Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging.

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FedEx Acct. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
 Credit Card No. \_\_\_\_\_  
**Total Packages** \_\_\_\_\_ **Total Weight** \_\_\_\_\_ **Total Declared Value\*** \$ \_\_\_\_\_ .00

\* Our liability is limited to \$100 unless you declare a higher value. See back for details.

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**CERTIFICATE OF SERVICE**

I, Samuel M. Pollack, Defendant hereby certify that I have this 11<sup>th</sup> day of February, 2005, served a copy of the following documents:

1. Pretrial Memorandum
2. Affidavit of Compliance with Court's Pretrial Order to Meet and Confer executed by Samuel M. Pollack.

on the following parties:

Margetta Lanlois  
P.O. Box 3091  
Holiday, FL 34690

Margetta Langlois  
C/O Kathy Hagan  
3 Thompsons Court  
Lowell, MA 01854

Michael Hugo  
95 Commercial Wharf  
Boston, MA 02109

Signed under the penalties of perjury.

  
Samuel M. Pollack